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9 Attorney for Plaintiff

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF MONTANA**  
12 **GREAT FALLS DIVISION**

13 LORILANE WALKER, as Personal ) CV  
14 Representative of the Estate of William )  
15 Davis Long Knife, )  
16 )  
17 Plaintiff, ) **COMPLAINT**  
18 vs. )  
19 )  
20 UNITED STATES OF AMERICA, )  
21 )  
22 Defendant. )  
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Plaintiff alleges as follows:

1. Plaintiff Lorilane Walker is the surviving sister of William Davis Long Knife.

Ms. Walker is the duly appointed, qualified, and acting personal

1 representative of the estate of William Davis Long Knife. Ms. Walker is a  
2 citizen of the State of Montana and a resident of Blaine County, Montana.

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4 2. Plaintiff Lorilane Walker brings this action on behalf of the estate of William  
5 Davis Long Knife, and on behalf of the heirs of the Estate of William Davis  
6 Long Knife, all of whom have sustained lawful damages as a result of  
7 William Davis Long Knife's injuries and death.

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10 3. This Court has jurisdiction over this cause of action pursuant to the Federal  
11 Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from  
12 conduct of federal government agents and Plaintiff has exhausted  
13 administrative remedies.

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16 4. This Court has exclusive jurisdiction over tort claims brought against the  
17 United States pursuant to 28 U.S.C. § 1346(b).

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19 5. Plaintiff filed a Federal Tort Claim Act claim on February 22, 2012. The  
20 government has not acted on the claim, therefore Plaintiff's claims are now  
21 ripe for adjudication.

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23 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).

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25 7. On February 25, 2010, William Davis Long Knife, an enrolled Assiniboiné,  
26 experienced a syncope event while at the Ft. Belknap Casino.

- 1 8. William Davis Long Knife was immediately transported to the Ft. Belknap  
2 Indian Health Services Emergency Room. He arrived at the ER at about  
3 10:00 pm on February 25, 2010.  
4
- 5 9. At the IHS, William Davis Long Knife was observed, then released without  
6 treatment at about 11:10 pm.  
7
- 8 10. On February 28, 2010, William Davis Long Knife had a fatal heart attack.  
9 William Davis Long Knife's death certificate lists the cause of death as  
10 "Probable Arteriosclerotic Cardiovascular Disease."  
11
- 12 11. IHS health care providers were negligent and violated the standard of care  
13 in failing to properly consult, refer, diagnose, or treat William Davis Long  
14 Knife upon his presentation at the IHS clinic on February 25, 2010, and  
15 unreasonably delayed assessing and treating him. The failure to properly  
16 asses, consult, refer, and/or treat William Davis Long Knife in a timely  
17 manner caused his condition to deteriorate and exacerbated his symptoms  
18 and eventually caused his death.  
19
- 20 12. IHS health care providers were negligent and violated the standard of care  
21 in failing to properly prescribe medications to treat William Davis Long  
22 Knife and confusing prescriptions for William Davis Long Knife. The failure  
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1 to properly prescribe medications to treat William Davis Long Knife in a  
2 timely manner caused his condition to deteriorate and eventually caused  
3 his death.  
4

- 5 13. As a direct and proximate result of each of the acts and omissions of the  
6 IHS health care providers alleged in this Complaint, William Davis Long  
7 Knife suffered severe injuries resulting in his disability and his death.  
8 Plaintiff should receive lawful damages under Montana's survival statute,  
9 MCA § 27-1-501, and wrongful death statute, MCA § 27-1-513, as follows:  
10  
11 A. For the disability and wrongful death of William Davis Long Knife and  
12 the loss of economic and family support, companionship, affection,  
13 society, comfort and services he provided to his family and tribe;  
14  
15 B. For William Davis Long Knife's mental anguish, pain and suffering  
16 before he died;  
17  
18 C. For William Davis Long Knife's loss of income; and  
19  
20 D. For William Davis Long Knife's funeral and burial costs.  
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1 **WHEREFORE**, Plaintiff demands judgment against the Defendant as follows:

- 2           1. For judgment in such amounts as shall be proven at the time of trial.
- 3
- 4           2. For an award of attorney's fees and costs as provided by any
- 5 applicable provision of law.
- 6
- 7           3. For such other and further relief as the Court deems just and
- 8 equitable.
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10 DATED this 6th day of September, 2012.

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12                               /s/ Timothy M. Bechtold  
13                               BECHTOLD LAW FIRM, PLLC

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